

TWENTY-FOURTH DAY.

Senate Chamber,
Austin, Texas, February 4, 1895.

Senate met pursuant to adjournment.
Lieutenant Governor Jester in the
chair.

Roll called. Quorum present, the fol-
lowing Senators answering to their
names:

Agnew.	Lawhon.
Atlee.	McComb.
Beall.	McKinney.
Boren.	Rogers.
Bowser.	Shelburne.
Colquitt.	Simpson.
Crowley.	Smith.
Darwin.	Stafford.
Dean.	Steele.
Dibrell.	Tips.
Gage.	Whitaker.
Goss.	Woods.
Greer.	

Absent—not excused.

Bailey.	Lewis.
Dickson.	Presler.
Harrison.	Sherrill.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of
yesterday.

On motion of Senator Goss, the same
was suspended.

On motion of Senator Boren, Senator
Harrison was excused for non-atten-
dance for this week on account of im-
portant business.

On motion of Senator Goss, Senator
Sherrill was excused for today on ac-
count of important business.

On motion of Senator Lawhon, Sena-
tor Boren was excused for last Saturday
on account of sickness.

On motion of Senator Agnew, Senator
Dickson and Page Hunton Dickson were
excused for today on account of sickness
in the family.

On motion of Senator Steele, Senator
Woods was excused for this week on ac-
count of important business.

On motion of Senator Smith, Senator
Dibrell was excused for last Saturday
on account of important business.

PETITIONS AND MEMORIALS.

By Senator Rogers:

Petition of J. Carlile and 83 other
citizens of Anderson county, asking for
amendment to stock law.

Read and referred to Committee on
Stock and Stock Raising.

By Senator Dean:

Memorial of citizens of El Paso coun-
ty, praying for maintenance of the ran-
ger force.

Read and referred to Committee on
Finance.

By Senator Gage:

Petition for the passage of a law to
protect and provide for wood-colts.

Read and referred to Committee on
Stock and Stock-raising.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 4, 1895.

Hon. Geo. T. Jester, President of the
Senate:

Your Judiciary Committee No. 1, to
whom was referred

Senate bill No. 106, being a bill to be
entitled "An act to authorize the forma-
tion of corporations to construct and op-
erate union depots and railroad termi-
nals, and to empower railway companies
to subscribe for and acquire stocks and
bonds of such corporations, and to con-
tract for the use of such depots, tracks
and facilities,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that said bill be referred to
the Committee on Internal Improve-
ments.

SMITH, Chairman.

BILLS AND RESOLUTIONS.

By Senator Bowser:

A bill to be entitled "An act to pro-
vide a more efficient method of taking the
scholastic census, to fix the compensation
of persons taking such census, and provid-
ing penalties for violation of the provi-
sions of this act."

Read first time and referred to the
Committee on Education.

By Senator Beall:

A bill to be entitled "An act to amend
section 66, chapter 122, of an act to pro-
vide for a more efficient system of public
free schools, etc., passed at the regular
session of the Twenty-third Legislature,
approved May 20, 1893, and cancelling
certain certificates."

Read first time and referred to the
Committee on Education.

By Senator Boren:

A bill to be entitled "An act to amend
article 2402, chapter 3 of title 45 of the
Revised Civil Statutes of the State of
Texas."

Read first time and referred to Judi-
ciary Committee No. 1.

By Senator Smith:

A bill to be entitled "An act to amend
articles 480, 481, 482, 483, 485, 488, 496,
497 and 498, and to repeal article 486 of
title 7, chapter 4 of the Code of Criminal
Procedure of the State of Texas, concern-
ing witnesses and the manner of enforce-
ing their attendance in criminal cases."

Read first time and referred to Judi-
ciary Committee No. 2.

By Senator Dean:

A bill to be entitled "An act to au-
thorize indexes of certain instruments,
either with or without the word 'the.'"

Read first time and referred to Judi-
ciary Committee No. 1.

By Senator Crowley:

A bill to be entitled "An act for the
relief of Kate Chambers Sturgis and
Stella J. Chambers, only children of
Thomas J. Chambers, deceased."

Read first time and referred to the
Committee on Claims and Accounts.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, February 4, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

House bill No. 147, "An act to amend section 53, chapter 51 of an act entitled 'An act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith, and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto; to utilize the labor of defaulting poll tax payers on the public roads of said counties, and to provide adequate penalties for the violation of the provisions of this act, as passed by the Twenty-third Legislature and approved April 19, 1893, and to add thereto section 57," passed by two-thirds vote—ayes 86, nays none.

Substitute House bill No. 99, "An act to take the counties of Smith, Gregg and Upshur out of the Fifth Supreme Judicial District and place the same in the First Supreme Judicial District," passed by two-thirds vote—ayes 89, nays none.

Also the following resolutions, to-wit:

Senate concurrent resolution providing that the person having in charge the capitol elevator be not required to run the same on Sundays.

House concurrent resolution No. 11, providing for the suspension of forfeitures of school lands, etc., for and during the present session of the Legislature.

Copies of both resolutions are hereto attached.

Respectfully,

CHESTER HAILE,

Chief Clerk House of Representatives.

Call concluded.

On motion of Senator Greer, Senate joint resolution No. 3, being "A joint resolution to amend sections 4, 22 and 23 of article 4, and sections 9, 15, 18, 20, 21 and 23 of article 5, sections 14 and 16, article 8, sections 30 and 44 of article 16," and Senate joint resolution No. 4, being "A joint resolution to amend sections Nos. 2, 3, 4, 5, 24 and 28 of article 3 of the Constitution of the State of Texas," were made special order for Friday next after call and from day to day.

Senator Agnew moved that Senate bill No. 11, being a bill to be entitled "An act to regulate assignments for the benefit of creditors, to declare what acts shall operate as such assignments and to prescribe rules for administering the same and to provide penalties for the violation of this act, and to repeal an act entitled 'An act in relation to assignments for the benefit of creditors, to regulate the same and proceedings thereunder,' approved March 24, 1879, and to repeal an act entitled 'An act to amend sections 3, 6 and 10 of an act in relation to assignments for

the benefit of creditors and to regulate the same and proceedings thereunder,' approved March 24, 1879, approved April 7, 1883; and to repeal all laws and parts of laws in conflict herewith," be reset and made special order for Monday next, after call and from day to day.

Carried.

On motion of Senator Bowser, special order,

Senate bill No. 15, being a bill to be entitled "An act to provide for the creation of life and accident insurance companies in this State, and for the regulation thereof, and to repeal all laws and parts of laws in conflict therewith,"

Was reset and made special order for next Thursday and from day to day.

On motion of Senator Rogers,

Senate bill No. 66, being a bill to be entitled "An act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-third Legislature, chapter 83, page 109,"

Was made special order for February 12, after call

UNFINISHED BUSINESS.

The Chair laid before the Senate,

Senate bill No. 9, entitled "An act to make it a penal offense for any person in the State to unlawfully scatter or so place on land not his own the seed or roots of Johnson grass or any other vegetation which will make such land unsuitable for the cultivation of cotton, or of corn, or any other grain, or which will make the cultivation of such land in such crops more difficult, or which will impair or diminish the value of such land for the cultivation of such crops as are usually grown thereon; to prescribe the punishment therefor, and to prescribe the proceedings in prosecutions in such cases."

Action being on Senator Smith's amendment, to-wit:

"Amend section 1 by striking out all of said section after the word 'shall,' in line 3, and by adding the following: 'Willfully sow, scatter or place on land not his own the seed or roots of Johnson grass, with intent to injure said land, or to make the cultivation thereof more difficult, or to diminish or impair the value of such land for the purpose of raising cotton, corn or other grain thereon, he shall be deemed guilty of a misdemeanor, and on conviction thereof he shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, and by confinement in the county jail for any period of time not to exceed one year, or by fine without such imprisonment.'"

On motion of Senator Simpson, the bill and pending amendment were laid on the table subject to call.

BILLS ON SECOND READING.

The Chair laid before the Senate,

Senate bill No. 1, being a bill to be entitled "An act relating to suits for libel,

and to better define a mode of procedure in suits for damages thereunder."

With majority and minority committee reports.

Bill read second time, and on motion of Senator Browser was made special order for February 12, and from day to day.

The Chair laid before the Senate, Senate bill No. 2, entitled "An act providing for the discovery of the assets of a judgment debtor, and the enforcement of such judgment."

Bill read second time, and on motion of Senator Smith, was made special order for next Wednesday after call.

The Chair laid before the Senate, Senate bill No. 18, being a bill to be entitled "An act to validate certificates of acknowledgment of deeds and other written instruments relating to real estate taken and certified by the clerks of the district courts of this State between the — day of December, 1869, and the 8th day of August, 1870."

With committee substitute.

Committee substitute was read and adopted.

By Senator Goss:

Amend by inserting after the word "registered," in lines 14 and 15, the words "in the proper county."

Adopted.

The bill was then ordered engrossed by the following vote:

Yeas—17.

Agnew.	McComb.
Atlee.	Rogers.
Beall.	Shelburne.
Boren.	Simpson.
Bowser.	Smith.
Dibrell.	Steele.
Gage.	Tips.
Goss.	Whitaker.
Lawhon.	

Nays—7.

Colquitt.	Lewis.
Darwin.	McKinney.
Dean.	Stafford.
Greer,	

Absent, excused.

Dickson.	Sherrill.
Harrison.	Woods.

Absent—not excused.

Bailey.	Presler.
Crowley.	

The Chair laid before the Senate, Senate bill No. 48, being a bill to be entitled "An act to amend article 191 of chapter 2, title 10, of the Revised Civil Statutes of the State of Texas."

Bill read second time, and failed on engrossment.

The Chair gave notice of signing, and did sign after the caption of same had been read:

House bill No. 20, "An act to create a more efficient road system for Fannin county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their du-

ties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the power and duties of such county commissioners, and providing for the appointment of road overseers and defining their duties, and for the working of county convicts upon public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for any road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict with this act."

On motion of Senator Bowser, 12 o'clock tomorrow (Tuesday) was fixed for the hour for the Senate to go into executive session on the Governor's appointments.

By unanimous consent, Senator Lewis called up,

Senate bill No. 108, being a bill to be entitled "An act to amend article 1192 of the Revised Civil Statutes of Texas, as amended by chapter 11 of the acts of the Twenty-first Legislature,"

Bill was read a second time and ordered engrossed.

By unanimous, Senator Beall called up, Senate bill No. 115, to be entitled "An act to amend articles 735 and 736 of the Penal Code of the State of Texas, relating to the punishment for theft,"

Bill read second time.

By Senator Dibrell:

Amend by striking out in line 12, the word "one" and insert in lieu thereof the word "two."

Adopted.

By Senator Agnew:

Amend by striking out in article 736, in lines 12 and 13, the words "may be put to hard work," and insert in lieu thereof the words, "may be worked upon the public roads of the county of the conviction."

By Senator Colquitt:

Substitute for the amendment: Insert after the word "work" in line 13, "on the county roads or otherwise."

Adopted.

The amendment as substituted was then adopted by the following vote:

Yeas—14.

Agnew.	Lawhon.
Atlee.	Lewis.
Boren.	McComb.
Colquitt.	McKinney.
Crowley.	Simpson.
Dean.	Stafford.
Gage.	Whitaker.

Nays—11.

Beall.	Rogers.
Bowser.	Shelburne.
Darwin.	Smith.
Dibrell.	Steele.
Goss.	Tips.
Greer.	

Absent—excused.

Dickson.	Sherrill.
Harrison.	Woods.

Absent—not excused.

Bailey.	Presler.
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By Senator Atlee:
Amend by striking out "may," in line 12, and insert in lieu the word "shall."
Lost.
The bill was then ordered engrossed by the following vote:

Yeas—17.

Agnew.	Lewis
Beall.	McComb.
Bowser.	Rogers.
Colquitt.	Shelburne.
Crowley.	Simpson.
Darwin.	Smith.
Dibrell.	Tips.
Gage.	Whitaker.
Greer.	

Nays—8.

Atlee.	Lawhon.
Boren.	McKinney.
Dean.	Stafford.
Goss.	Steele.

Absent—excused.

Dickson.	Sherrill.
Harrison.	Woods.

Absent, not excused.

Bailey.	Presler.
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On motion of Senator Goss the vote by which Senate bill No. 48 (see caption above) failed on engrossment was reconsidered, and the bill recommitted to Judiciary Committee No. 1.

On motion of Senator Stafford House bill No. 99, "An act to take the counties of Smith, Gregg and Upshur out of the Fifth Supreme Judicial District, and place the same in the First Supreme Judicial District," was read and referred to Committee on Judicial Districts.

On motion of Senator Lawhon the Senate adjourned to 10 a. m. tomorrow.

TWENTY-FIFTH DAY.

Senate Chamber,

Austin, Texas, February 5, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Lawhon.
Atlee.	McComb.
Beall.	McKinney.
Boren.	Rogers.
Bowser.	Shelburne.
Colquitt.	Sherrill.
Crowley.	Simpson.
Darwin.	Smith.
Dibrell.	Steele.
Dickson.	Tips.
Gage.	Whitaker.
Goss.	

Absent—excused.

Harrison.	Woods.
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Absent—not excused.

Bailey.	Lewis.
Dean.	Presler.
Greer.	Stafford.

Prayer by the Chaplain, Dr. Smoot.
Pending reading of the Journal of yesterday,
On motion of Senator McComb, the same was suspended.

On motion of Senator Colquitt, Senator Stafford was excused for non-attendance for today on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Gage:

Petition from citizens of Reeves county for maintenance of ranger force.

Read and referred to Committee on Finance.

By Senator Colquitt.

Memorial from citizens of Navarro county, asking that the age of consent be increased to eighteen years.

Read and referred to Judiciary Committee No. 2.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, February 4, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Substitute Senate bill No. 18, being "An act to validate the authentication and registration of certain instruments of writing,"

And find the same correctly engrossed.

COLQUITT, Acting Chairman.

Committee Room,

Austin, Texas, February 4, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 115, being "An act to amend articles 735 and 736 of the Penal Code of the State of Texas, relating to the punishment for theft,"

And find the same correctly engrossed.

COLQUITT, Acting Chairman.

Committee Room,

Austin, Texas, February 4, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 108, being "An act to amend article 1192 of the Revised Civil Statutes of Texas, as amended by an act entitled "An act to amend article 1192 of the Revised Civil Statutes," passed by the regular session of the Twenty-first Legislature, and approved March 6, 1889, relating to filing pleadings in vacation,"

And find the same correctly engrossed.

COLQUITT, Acting Chairman.

Committee Room,

Austin, Texas, February 4, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 111, being a bill to be entitled "An act to amend section 1 of an act passed at a regular session of the